

# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/891,082	06/25/2001	Kojiro Hamabe	14729	8771	
7590 12/08/2004			EXAMINER		
PAUL ESATTO, JR			GESESSE, TILAHUN		
SCULLY, SCO	TT, MURPHY & PRESS	SER			
400 GARDEN CITY PLAZA			ART UNIT	PAPER NUMBER	
GARDEN CITY, NY 11530			2684		

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Time has been restarted from the date of this communication due to error in Mailing address.

> KMBERLY D. SPEARS SUPERVISORY LEGAL INSTRUMENTS EXMR. TECHNOLOGY CENTER 2600

 $\bigcirc$ 

Office Action Summary    Part of Part   Part	, •	Application No.	Applicant(s)					
Tilahun is Gesesse		09/891,082	HAMABE, KOJIRO					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of the majo by available under the provisions of 37 CPR 1.13(d), in no eveil, however, may a reply be simily filed.  If the period for reply is specified above is has blue hith (10) (days, a reply within the statisty princived way of the MONTH (30) days with the considered timely.  If the period for reply is pecified above is has blue hith (10) (days, a reply within the statisty princived way of the William (3) (days) with the considered timely.  If the period for reply is pecified above is has blue hith (10) (days, a reply within the statisty princived way of the William (4)) (days with the considered timely).  If the period for reply is pecified above is has blue hith (10) (days) and will replied (4) (MCMT) (6 from the making date of this communication, and the replied of the communication, and the replied of the communication, and the replied of the communication, and the making date of this communication, even if simily filed, may reduce any secure area of period of the communication (4) (days) and the communication (5) (days)	Office Action Summary	Examiner	Art Unit					
Period for Repty  A SHORTRIED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **International Communication**  **If the period for truly specified upon is set that in 150 (30) exp. a repty within the statistic primitimum of stury (20) days will be considered timely.  **If the period for truly specified upon is set that in 150 (30) exp. a repty within the statistic primitimum of stury (20) days will be considered timely.  **If the period for truly specified upon is set that miles of control will sply and will agent SIX (8) (XCRT is town the making dale of the communication.  **If the period for truly specified upon is set that the making date of the communication (and the second control will be supplied to the specified upon its set to second upon the second control set to the second control set to the second control set to the second control set the second control set to the	·	Tilahun B Gesesse	2684					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  The MAILING DATE OF THIS COMMUNICATION.  If this period for regity secretic above is lists that the communication.  If this period for regity secretic above is lists that the communication.  If this period for regity secretic above is lists that the communication.  If this period for regity secretic above is lists that the communication.  If this period for regity secretic above is lists that the communication.  If this period for regity secretic above is lists that the communication.  If this period for regity secretic above is lists that the communication.  If this period for regity secretic above is lists that the communication.  All this period for regity secretic above is lists that the communication.  All this period for regity secretic above is lists that the communication.  All this period is regity secretic above is lists that the realized date of this communication, even if timely filled, may reduce any search as a communication.  All this period is period to communication (s) filed on 30 August 2004.  Status  1) Responsive to communication (s) filed on 30 August 2004.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-44 (s/are pending in the application.  43) Of the above claim(a) slavare rejected.  7) Claim(s) 1-44 (s/are pending in the application.  43) Of the above claim(a) slavare rejected.  7) Claim(s) 2-10,12-20,22-29 and 32-44 (s/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application frawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) The	- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -							
THE MAILING DATE OF THIS COMMUNICATION.  - Editarions of the may be variable used the provisions of 3 CFR 1.13(a). In no event, however, may a raply be timely filed after SN (6) MONTHS from the making date of this communication.  - In Operation for reply is specialled used the provisions of 3 CFR 1.13(a). In one event, however, may a raply be timely filed after SN (6) MONTHS from the making date of this communication.  - In Operation for reply is special each observe, the making of set of the communication.  - In Operation for reply is special each one, the making of set of the communication (so the provision of the communication).  - In Operation of the set of extended period for reply will, by statuths, closes the application is become ABANCONED CS U.S.C. § 130).  - Ashare to status application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims								
Status  1) Responsive to communication(s) filed on 30 August 2004.  2a) This action is FINAL.  2b) This action is INAL.  2b) This action is InNAL.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 14-44 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 30 and 40 is/are allowed.  6) Claim(s) 30 and 40 is/are allowed.  7) Claim(s) 2-10.12-20.22-29 and 32-44 is/are objected to.  8) Claim(s) 2-10.12-20.22-29 and 32-44 is/are objected to.  8) Claim(s) — are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on — is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Note the drawing(s) is objected to. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) All b) Some *c) None of:  1. Certified copies of the priority documents have been received in Application No. —  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) Notice of Portsparson's Patent Drawing Review (PTO-348)  3) International Deceauer Statements) (PTO-149 or PTO/SB/08)  5) Notice of International Direcal Paper Not(s)Mail Date.  1) Paper Not(s)Mail Date.  1) Paper Not(s)Mail Date.  2) Paper	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a replication of the period for reply is specified above, the maximum statutory period to Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) o will apply and will expire StX (6) MONTHS for cause the application to become ABANDO.	timely filed  days will be considered tim  the mailing date of this  NED (35 U.S.C. & 133).	ely. communication.				
2a  This action is FINAL.   2b  This action is non-final.   3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	Status	•						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-44 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 30 and 40 is/are allowed.  6) Claim(s) 1.11, 21,31 is/are rejected.  7) Claim(s) 2-10,12-20,22-29 and 32-44 is/are objected to.  8) Claim(s) 2-10,12-20,22-29 and 32-44 is/are objected to.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	1) Responsive to communication(s) filed on 30 A	ugust 2004.						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.44 is/are pending in the application.  4a) Of the above claim(s)	2a) This action is FINAL, 2b) ☑ This	action is non-final.						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.44 is/are pending in the application.  4a) Of the above claim(s)	3) Since this application is in condition for allowar	nce except for formal matters, p	prosecution as to the	e merits is				
4) Claim(s) 1-44 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5  Claim(s) 30 and 40 is/are allowed.  6  Claim(s) 3.1.11.21.31 is/are rejected.  7  Claim(s) 2-10.12-20.22-29 and 32-44 is/are objected to.  8  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner.  10  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1  Interview Summary (PTO-413) Paper No(s)Mail Date		•						
4) Claim(s) 1-44 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5  Claim(s) 30 and 40 is/are allowed.  6  Claim(s) 3.1.11.21.31 is/are rejected.  7  Claim(s) 2-10.12-20.22-29 and 32-44 is/are objected to.  8  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9  The specification is objected to by the Examiner.  10  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1  Interview Summary (PTO-413) Paper No(s)Mail Date	Diamonthia of Otalian	•	• • •					
4a) Of the above claim(s) is/are withdrawn from consideration.  5)			•					
5) Claim(s) 30 and 40 Is/are allowed. 6) Claim(s) 1.11. 21.31 is/are rejected. 7) Claim(s) 2-10.12-20.22-29 and 32-44 is/are objected to. 8) Claim(s) 2-10.12-20.22-29 and 32-44 is/are objected to. 8) Claim(s)			·					
6) Claim(s) 1.11. 21.31 is/are rejected.  7) Claim(s) 2-10.12-20.22-29 and 32-44 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-82) Paper No(s)/Mail Date		vn from consideration.	· · · · · · · · · · · · · · · · · · ·					
7) Claim(s) 2-10,12-20,22-29 and 32-44 is/are objected to. 8) claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-82) Paper No(s)/Mail Date Paper No(s		• •						
8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of Draftsperson's Patent Drawing Review (PTO-946)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)								
Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Attachment(s)  1) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  3. Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date								
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-992)  Attachment(s)  1) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  5) Other:  3. Seaton and Tredemust Office.	8) Claim(s) are subject to restriction and/or	r election requirement.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1 Certified copies of the priority documents have been received.  2 Certified copies of the priority documents have been received in Application No  3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  3 Seatent and Trackeman Office.	Application Papers							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  Attachment(s)  1) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Information Patent Application (PTO-152)  Paper No(s)/Mail Date  5) Notice of Information (PTO-152)  Paper No(s)/Mail Date	9) The specification is objected to by the Examine	r.	•					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Reptacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some coll None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)  6) Other:								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Paper No(s)/Mail Date.  1. Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date.  5) Notice of Information Patent Application (PTO-152)  Paper No(s)/Mail Date.  6) Other:								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  Paper No(s)/Mail Date.  1. Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date.  5) Notice of Information Patent Application (PTO-152)  Paper No(s)/Mail Date.  6) Other:								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date								
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  1. Certified copies of the priority documents have been received.  4) Interview Summary (PTO-413)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152)  Paper No(s)/Mail Date  1. Certified copies of the priority documents have been received.	Priority under 35 U.S.C. § 119							
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  U.S. Patent and Trademark Office	12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. & 1196	al-(d) or (f)					
1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  1) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date								
2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  10. Paper No(s)/Mail Date  11. Notice of Information Patent Application (PTO-152)  12. Paper No(s)/Mail Date  13. Other:								
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Other:  U.S. Patent and Trademark Office								
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Discosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  U.S. Patent and Trademark Office								
* See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informat Patent Application (PTO-152)  Paper No(s)/Mail Date  U.S. Patent and Tredemark Office	}							
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  Customer No(s)/Mail Da								
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08) Paper No(s)/Mail Date 5) Notice of Informat Patent Application (PTO-152) Paper No(s)/Mail Date  U.S. Patent and Trademark Office				·				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08) Paper No(s)/Mail Date 5) Notice of Informat Patent Application (PTO-152) Paper No(s)/Mail Date  U.S. Patent and Trademark Office		•						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08) Paper No(s)/Mail Date 5) Notice of Informat Patent Application (PTO-152) Paper No(s)/Mail Date  U.S. Patent and Trademark Office	Attachment(s)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date  6) Other:	<u> </u>	4) Interview Summa	rv (PTO-413)					
Paper No(s)/Mail Date 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail	Date					
Droi and O 4	Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)     Paper No(s)/Mail Date		Patent Application (P1	O-152)				
	DTOL BOOK (Days 4 A.)	tion Summary	Part of Paper No./Mail I					

٠.

Art Unit: 2684

#### **DETAILED ACTION**

1. This is in response to applicant's argument filed 8/30/04 in which claims 1-44 are pending.

### Specification

- 2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
- 3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms, which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: some of the terms of the specification properly spaced, for instance, page 1, line 11 and 17. Therefore, proper correction is required

## Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,11,21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US 5,893,035).

 $\cup$ 

Art Unit: 2684

Claim 1, Chen discloses communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells. and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to respective of the mobile stations from the base stations, (column 14, lines 16-40, column 9, line 55-column 10, line 63 and figures 6 and 7) the base station control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period (column 13 lines 13-33 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Claim 11, Chen discloses a transmission power control method\_in a cellular communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to

Application/Control Number: 09/891,082

Art Unit: 2684

respective of said mobile stations from said base stations, (column 14, lines 16-29 and figures 6 and 7) the base station control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period, in the base stations (column 13 lines 13-33, column 9, line 55-column 10, line 63 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Claim 21, Chen discloses a base station in a cellular communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1), a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to respective of said mobile stations from said base stations, (column 14, lines 16-29 and figures 6 and 7) control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period (column 13 lines 13-33, column 9, line 55-column 10, line 63 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base

Application/Control Number: 09/891,082

Art Unit: 2684

station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Claim 31, Chen discloses a storage medium for storing a transmission power control (column 8, lines 46-55) method in a cellular communication system (figure 1) including a plurality of cells (cells are served by base stations 16a and 16b of figure 1). a plurality of base stations (16a and 16b of figure 1), mobile station (12) located within the cells, and control station (base station controller (14) provided in common for the plurality of base stations (base station 16a and 16b) and transmitting control instruction for balance adjustment of transmission power to respective of said mobile stations from said base stations, (column 14, lines 16-29 and figures 6 and 7) control means (14) for controlling initiation of adjustment period for performing the adjustment from a frame number determined on the basis of frame number of the adjustment period (column 13 lines 13-33, column 9, line 55-column 10, line 63 and figure 6 and table 1). Chen differs in disclosing balance. However, Chen teaches base station controller (14) communicates the power control command to base stations and sole control of the transmission power from the base stations 16a and 16b (column 8, lines 30-45). Then, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to balance adjustment of transmission power control of base stations, during balance adjustment period.

Application/Control Number: 09/891,082 Page 6

Art Unit: 2684

## Allowable Subject Matter

5. Claims 2-10,12-20,22-29,32-39,41-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- 6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach a frame number of transmission frame to said mobile station is CFN and the balance adjustment period is Nperiod frame, the control means is responsive to reception of said control instruction to perform initiation control of the balance adjustment period from the frame of the frame number CFN to be mod (CFN, m x Nperiod) = L (wherein, m is natural number, L is 0 or natural number smaller than m x Nperiod common to all base stations).
- 7. Claims 30 and 40 are allowed over the prior art.
- 8. The following is an examiner's statement of reasons for allowance: the prior art does not teach aid base stations, each of said base station initiate control of a balance adjustment period from a frame to be m x Nperiod 20 (wherein m is 0 number common to all or natural number and L is 0 or natural base stations, Nperiod is a period for adjustment). said control station comprising means for selecting said Nperiod as a value satisfying a relationship of k x Nperiod = CFNmax (k is integer) assuming that a frame number of performing said balance transmission frame to said mobile station is CFN, said balance adjustment period is Nperiod frame, minimum value of said CFN is I, maximum value is CFNmax or minimum value is 0 and maximum value is CFNmax 1.

Art Unit: 2684

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tilahun Gesesse Primary Examiner US Patent and Trademark Office Tel. 703-308-5873

November 15, 2004

TILAHUN GL.

PRIENT EXAMINER